

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 98-58

July 17, 1998

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Extensions of Time to File Answer Briefs and Cross Exceptions

In light of several recent cases, this is to clarify current Board policy concerning extensions of time for filing cross-exceptions and for filing an answering brief.

Under Section 102.46(e) of the Board's Rules and Regulations, "[a]ny party who has not previously filed exceptions may, within 14 days, or such further period as the Board may allow, from the last date on which exceptions and any supporting brief may be filed, file cross-exceptions" Under Section 102.46(f)(2), "[r]equests for extension of time to file cross-exceptions, or answering brief to cross-exceptions, shall be in writing and copies thereof shall be served promptly on the other parties."

The Board has construed a request for an extension of time to file cross-exceptions to include a request for an extension of time to file an answering brief, even if the extension-of-time request does not specifically refer to an answering brief. On the other hand, however, the Board has not found the reverse to be true. The Board does not consider a request for an extension of time to file an answering brief to include a request to file cross-exceptions. P & M Cedar Products, Inc., 282 NLRB 772 (1987), at fn. 1.

Consequently, if a Region makes a request for an extension of time to file an answering brief and also desires an extension of time to file cross-exceptions, it must specifically make that additional request. But if the Board grants a Region's request for an extension of time to file cross-exceptions, the Board considers the Region also to have an extension to time to file an answering brief, even if the request and the grant of that request do not specifically refer to it.

R. A. S.

cc: NLRBU

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